

## **REMARKS**

Upon entry of the foregoing Amendment, claims 1, 3-5, 10, 12, 13, 26, 28-42 are pending in the application, claims 2, 6-9, 11, 14-25, and 27 having been previously cancelled. Claims 1, 10, 12-13, 26, 32-34, and 36 have been amended; claims 40-42 are newly added. Applicants believe that this Amendment does not add new matter. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

By the foregoing Amendment, Applicants have amended and/or cancelled various claims solely for purposes of expediting prosecution of this Application. Applicants expressly reserve the right to prosecute the subject matter of any claim pending prior to the foregoing Amendment, or any other subject matter supported by the Specification, in one or more continuation and/or divisional applications.

### ***Information Disclosure Statement***

Applicants submit herewith an Information Disclosure Statement pursuant to 37 C.F.R. § 1.97.

### ***Claim Objections - Formality***

The Examiner has objected to claims 10, 12, 13, 33 and 36. Applicants traverse the objections. Nonetheless, solely to expedite prosecution of this application, Applicants have amended the claims. As such, Applicants request withdrawal of the claim objections.

### ***Non-statutory Double Patenting Rejection***

Claims 1, 3-5, 10, 12, 13, 26 and 28-39 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-4, 8-11, 17-23 and 29-31 of copending Application No. 10/538,162.

Although Applicants disagree with the rejections set forth by the Examiner, a terminal disclaimer will be filed, *solely* in an effort to expedite prosecution, once the remaining claim rejections have been withdrawn.

Applicants acknowledge the Examiner's suggestion to submit references with respect to Information Disclosure Statements for application nos. 10/538,160; 11/226,910; 11/545,739; and 11/226,915. Applicants have or will submit such references pursuant to Applicants' duty to disclose.

***Rejections Under 35 U.S.C. §§ 102 and 103***

The Examiner has rejected claims 1, 3-5, 10, 12, 13, 26 and 28-31 under 35 U.S.C. § 102(e) as allegedly anticipated by, or in the alternative under 35 U.S.C. § 103(a) allegedly obvious over, U.S. Patent Application Publication No. 2002/0177471 by Kaaresoja *et al.* ("Kaaresoja"), evidenced or in view of U.S. Patent No. 6,850,150 to Ronkainen ("Ronkainen"). Applicants traverse this rejection because the references relied upon by the Examiner, either alone or in combination with one another, do not disclose, teach or suggest each and every feature of the claimed invention. Nonetheless, solely to expedite prosecution of this application, Applicants have amended the claims to clarify various features of the claimed invention. The references relied upon by the Examiner, either alone or in combination with one another, do not disclose, teach or suggest all the features of the claims as amended.

***1. Independent claims 1, 10, and 26***

Independent claim 1 recites, among other things:

generating, at a first handheld communication device, an output signal upon an actuation of one or more of a plurality of user-interface members on a of the first handheld communication device, wherein the output signal includes a haptic code configured to distinctly identify the first handheld communication device and a status event; and

sending the output signal to a second handheld communication device remote from the first handheld communication device, wherein the output signal is configured to cause causes an output, at the second handheld communication device, of a haptic effect corresponding to the haptic code..

Claims 10 and 26 recite similar features. Neither Kaaresoja nor Ronkainen disclose, teach or suggest at least the foregoing features of the claimed invention.

In the Office Action, the Examiner alleges that Kaaresoja taken either alone or in combination with Ronkainen discloses, teaches, or suggests a “caller-id implemented as haptic effect” and that such caller-id feature discloses, teaches or suggests a haptic code configured to distinctly identify a handheld communication device and a status event as claimed. *May 2010 Office Action* at page 6. However, even if this is true (which Applicants expressly do not concede), a caller-id feature is merely a feature that identifies **at a receiving phone** a calling party **based on a calling party’s phone number**. In other words, any haptic effect in response to the phone number is identified at the receiving phone after a phone call is received (such as when the receiving phone rings or vibrates in response to the call).

In contrast, the claimed output signal is **generated at a first handheld communication device** upon actuation of one or more of a plurality of user-interface members of the first handheld communication device, wherein the output signal includes the haptic code as claimed. The output signal is then sent to a second handheld communication device. In other words, the haptic code is included in the output signal from the first handheld communication device before being received by the second handheld communication device. This difference highlights that the claims recite sending a haptic code that identifies the device in response to an actuation of a user-interface member of the first handheld communication device whereas Kaaresoja at best merely describes sending a phone number that identifies the transmitting phone. Ronkainen fails to make up at least this deficiency of Kaaresoja. For at the foregoing reasons, the references relied upon by the Examiner do not disclose, teach or suggest all the features of claims 1, 10, and 26.

Claims 3-5, 12, 13, and 28-31 depend from and add features to one of claims 1, 10, and 26. The references relied upon by the Examiner do not disclose, teach or suggest all the features of these dependent claims for at least the reasons set forth above with regard to claims 1, 10, and 26. Accordingly, the rejection of these dependent claims is improper and must be withdrawn.

### ***Rejection Under 35 U.S.C. § 103***

The Examiner has rejected claims 32-34 under 35 U.S.C. § 103 as allegedly being unpatentable over Kaaresoja and Ronkainen and further in view of U.S.

Patent No. 6,028,531 to Wanderlich ("Wanderlich"). Applicants traverse the rejection for at least the reason that the references, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention.

In particular, claim 32 recites, among other things, "at least one of the plurality of user-interface members is assigned with a haptic code configured to convey an expression or behavior" and "sending the output signal to a second handheld communication device remote from the first handheld communication device." Claims 33 and 34 recite similar features. In the May 2010 Office Action, the Examiner alleges that Wanderlich at col. 7, lines 6-25, discloses this feature. However, Wanderlich describes communicating with a human vibrator device, not a second handheld communication device as claimed. For at least this reason, the references relied upon by the Examiner do not teach or suggest at least this feature of the claims.

The Examiner has rejected claims 35-37 under 35 U.S.C. § 103 as allegedly being unpatentable over Kaaresoja and Ronkainen and further in view of U.S. Patent Application Publication No. 2003/0236729 by Epstein *et al.* ("Epstein") and in view of U.S. Patent Application Publication No. 2002/0107936 by Amon ("Amon"). Claims 35-37 depend from and add features to one of claims 1, 10, and 26. As such, Applicants traverse this rejection because the references relied upon by the Examiner, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention for at least the reasons discussed above with respect to claim 1, 10, and 26.

The Examiner has rejected claims 38 and 39 under 35 U.S.C. § 103 as allegedly being obvious over Kaaresoja and Ronkainen and further in view of Fukuhara *et al.*, "Voice Café: Conversation Support System" ("Fukuhara"). Applicants traverse this rejection because the references relied upon by the Examiner, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention.

In particular, the references relied upon by the Examiner do not teach or suggest at least the feature of "the output signal is sent during a chat session" as recited by claim 38. In the May 2010 Office Action, the Examiner alleges that Fukuhara at page 2 discloses this feature. However, Fukuhara merely mentions a

chat session and generally describes an application for social information gathering. Applicants request clarification as to how merely mentioning a chat session in Fukuhara discloses, teaches, or suggests including a haptic code from one communication device to another communication device during a chat session. Absent an articulated rationale for how a combination of Kaaresoja and Fukuhara teaches or suggests an output signal that includes a haptic code is sent during a chat session as claimed, the Examiner has engaged in improper hindsight using Applicants' disclosure to piece together disparate elements from different references. For at least these reasons, the references relied upon by the Examiner, either alone or in combination with one another, fail to teach or suggest all the features of claim 38. Accordingly, the rejection of this claim is improper and must be withdrawn. Claim 39 depends from and adds features to claim 38. As such, for at least the reasons discussed above in relation to claim 38, the rejection of claim 39 is improper and must be withdrawn.

***New Claims 40-42***

Applicants have newly added claims 40-42, which depend from and add features to claim 32. For at least the reasons discussed above with regard to claim 32, these claims are allowable over the references relied upon by the Examiner.

## **CONCLUSION**

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the Application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: **August 11, 2010**

Respectfully submitted,

By:



Hean L. Koo  
Registration No. 61,214

**Customer No. 26158**

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
P.O. Box 7037  
Atlanta, GA 30357-0037  
Main: 404-872-7000  
Direct Dial: 703-394-2274  
Fax: 404-888-7490